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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,800	12/02/2003	Jan Steenkamp	5782P028	4122

7590 04/04/2011

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EXAMINER	
CHAE, KYU	

ART UNIT	PAPER NUMBER
2426	

MAIL DATE	DELIVERY MODE
04/04/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/726,800	STEENKAMP ET AL.	
	Examiner	Art Unit	
	KYU CHAE	2426	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 January 2011*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *26,28,31-33,35-40 and 42-46* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *26, 28, 31-33, 35-40 and 42-46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The Office Action is in response to an AMENDMENT entered 1/20/2011 for the patent applicant 10/726800 filed 12/2/2003.

2. The Office Action of 9/29/2010 is fully incorporated into this Final Office Action by reference.

Status of Claims

3. Claims 1-25, 27, 29, 30, 34 and 41 have been canceled.

Claims 42-46 have been added.

Claims 26, 28, 31-33, 35-40 and 42-46 are pending.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 26 and 40** rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, claims 26 and 40 recite the limitation "the content distribution network" in pg. 2, ll. 15 and pg. 5, ll. 14, respectively. There is insufficient antecedent basis for this limitation in the claim. The claim term "the content distribution network" will be interpreted as -a content distribution network-, accordingly.

Lines are counted from the beginning of each claim

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. **Claims 26, 31-33, 35, 40, 45 and 46** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,139,983 B2 to *Kelts* in view of U.S. Pub. No. 2007/0136693 A1 to *Lilleness*.

As to **claim 26, 33 and 40**, *Kelts* discloses a method of comprising:

sending a content provider identifier to a device at a content destination, the device to render a first graphical user interface at the content destination, the graphical user interface including the content provider identifier (*Kelts* Fig. 1, col. 4, ll. 1-6, ll. 49-61, col. 9, ll. 36-40, col. 17, ll. 28-44 & col. 26, ll. 52-57 , navigational interface featuring a set of symbols or icons representing service providers and broadcasting networks are provided to a user from a cable television provider);

receiving a notification of a selection of the content provider identifier by a user of the device (*Kelts* Fig. 1, col. 9, ll. 33-44, col. 12, ll. 2-8, ll. 64-col. 13, ll. 8, navigational interface includes selection items over navigation element 104 which allows users to select the selections items and where each navigational interface is displayed in a hierarchical manner);

Kelts does not expressly disclose linking a content provider associated with the content provider identifier to the device, the linking enabling the content provider to send a communication directly to the device independently of a content distribution network, the communication to control a second graphical user interface at the content destination.

Lilleness discloses linking a content provider associated with the content provider identifier to the device (*Lilleness* Fig. 1-3, pg. 2, ¶0018, 0023-0024 & 0026, content provider identifiers are linked to a content providers predefined address), the linking enabling the content provider to send a communication directly to the device independently of a content distribution network, the communication to control a second graphical user interface at the content destination (*Lilleness* Fig. 1-3, pg. 2, ¶0018, 0023-0024 & 0026, the linking provides user's with a second GUI that represents the content providers web address from the Internet).

At the time of invention, it would have been obvious to a person of ordinary skilled in the art to modify *Kelts* by linking a content provider associated with the content provider identifier to the device, the linking enabling the content provider to send a communication directly to the device independently of a content distribution network, the communication to control a second graphical user interface at the content destination as disclosed by *Lilleness*. The suggestion/motivation would have been in order to allow users to access an

information source associated with the content provider (*Lilleness* Fig. 1-3, pg. 2, ¶0018, 0023-0024 & 0026).

As to **claims 31 and 35**, *Lilleness* discloses the controlling of the second graphical user interface includes communication an available content identifier to the device (*Lilleness* Fig. 1-3 & 14, pg. 2, ¶0018, 0023-0024 & 0026).

As to **claim 32**, *Lilleness* discloses the communicating of the available content identifier to the content destination is responsive to a selection of the user of an additional available content identifier (*Lilleness* Fig. 1-3 & 14, pg. 2, ¶0018, 0023-0024 & 0026).

As to **claim 45**, *Lilleness* discloses the enabling of the content provider to control the second graphical user interface includes enabling the content provider to brand the second graphical user interface (*Lilleness* Fig. 1-3, pg. 2, ¶0018, 0023-0024 & 0026).

As to **claim 46**, *Lilleness* discloses the content provider is to use the second graphical user interface across a plurality of distribution networks (*Lilleness* Fig. 1-3, pg. 2, ¶0018, 0023-0024 & 0026).

8. **Claims 28, 36 and 37** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,139,983 B2 to *Kelts* in view of U.S. Pub. No. 2007/0136693 A1 to *Lilleness* and in further view of U.S. Pub. No. 2003/0126608 A1 to *Safadi*.

As to **claims 28 and 37**, *Kelts* and *Lilleness* do not expressly disclose providing digital content to the user under control of a digital rights network associated with the content provider and the content distribution network.

Safadi discloses providing digital content to the user under control of a digital rights network associated with the content provider and the content distribution network (*Safadi* Fig. 1, pg. 2, ¶0020, DRM provided by content provider).

At the time of invention, it would have been obvious to a person of ordinary skilled in the art to modify *Kelts* and *Lilleness* by providing digital content to the user under control of a digital rights network associated with the content provider and the content distribution network as disclosed by *Safadi*. The suggestion/motivation would have been in order to allow content providers to secure the sale of content and protect against illegal, unauthorized distribution and playback of content (*Safadi* Fig. 1, pg. 2, ¶0020).

As to **claim 36**, *Kelts* and *Lilleness* do not expressly disclose the secure device is further to receive digital content directly from the content provider independently of the content distribution network.

Safadi discloses the secure device is further to receive digital content directly from the content provider independently of the content distribution network (*Safadi* Fig. 1, pg. 3, 0025 0027 & 0040, content may be provided from outside of the walled garden).

At the time of invention, it would have been obvious to a person of ordinary skilled in the art to modify *Kelts* and *Lilleness* by receiving digital content directly from the content provider independently of the content distribution network as disclosed by *Safadi*. The suggestion/motivation would have been in order to allow users to access remote content provided by content providers through the use of subscription based on pay-per-use basis which further generates revenue for the content providers (*Safadi* Fig. 1, pg. 3, 0025 0027 & 0040).

9. **Claims 38 and 39** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,139,983 B2 to *Kelts* in view of U.S. Pub. No. 2007/0136693 A1 to *Lilleness* and in further view of U.S. Pub. No. 2004/0010602 A1 to *Van Vleck*.

As to **claim 38**, *Kelts* and *Lilleness* do not expressly disclose the secure device is further to invoke a client-side application program interface of a digital rights network to process a request from the user, the invoking of the client-side application program interface enabling the secure device to retrieve an authorization from the digital rights network for the user to access digital content.

Van Vleck discloses the secure device is further to invoke a client-side application program interface of a digital rights network to process a request from the user (*Van Vleck* Fig. 2-3, pg. 3, ¶0030-0032), the invoking of the client-side application program interface enabling the secure device to retrieve an

authorization from the digital rights network for the user to access digital content (*Van Vleck* Fig. 4, pg. 3, ¶0037-0038).

At the time of invention, it would have been obvious to a person of ordinary skilled in the art to modify *Kelts* and *Lilleness* by invoking a client-side application program interface of a digital rights network to process a request from the user, the invoking of the client-side application program interface enabling the secure device to retrieve an authorization from the digital rights network for the user to access digital content as disclosed by *Van Vleck*. The suggestion/motivation would have been in order to manage access to digital content according to the digital rights policies where the policy indicates authorization access to a particular file (*Van Vleck* Fig. 4, pg. 3, ¶0037-0038).

As to **claim 39**, *Van Vleck* discloses the invoking of the client-side interface enables the secure device to prompt the user to make a payment associated with accessing the digital content, the prompting based on at least one of a configured media policy and a user access right (*Van Vleck* Fig. 4, pg. 3, ¶0037-0038 & 0041).

10. **Claims 42-44** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,139,983 B2 to *Kelts* in view of U.S. Pub. No. 2007/0136693 A1 to *Lilleness* and in further view of U.S. Pub. No. 2003/0204846 A1 to *Breen*.

As to **claim 42**, *Kelts* and *Lilleness* do not expressly disclose the available content identifier identifies a category of digital content; and the available content

identifier corresponds to a plurality of additional available content identifiers, each of the plurality of additional available content identifiers identifying a digital media item associated with the category of digital content available from the content provider.

Breen discloses the available content identifier identifies a category of digital content (*Breen* Fig. 3, pg. 2, ¶0042, 0044-0045 & 0049, service aggregate); and the available content identifier corresponds to a plurality of additional available content identifiers, each of the plurality of additional available content identifiers identifying a digital media item associated with the category of digital content available from the content provider (*Breen* Fig. 3, pg. 2, ¶0042, 0044-0045 & 0049, user is able to navigate through the service aggregate which includes menus and sub-menus).

At the time of invention, it would have been obvious to a person of ordinary skilled in the art to modify *Kelts* and *Lilleness* by identifying a category of digital content; and the available content identifier corresponds to a plurality of additional available content identifiers, each of the plurality of additional available content identifiers identifying a digital media item associated with the category of digital content available from the content provider as disclosed by *Breen*. The suggestion/motivation would have been in order to allow a user to quickly and easily identify a particular content of interest (*Breen* Fig. 3, pg. 2, ¶0042, 0044-0045 & 0049).

As to **claim 43**, *Breen* discloses the content provider identifier, the available content identifier, and the plurality of additional available content identifiers are arranged in a hierarchy that the user navigates to select digital content available from the content provider (*Breen* Fig. 3, pg. 2, ¶0042, 0044-0045 & 0049).

As to **claim 44**, *Breen* discloses wherein the content provider is a sports network and the category of the digital content is a particular sport (*Breen* Fig. 3, pg. 2, ¶0042, 0044-0045 & 0049).

Response to Arguments

11. Applicant's arguments with respect to claims 26, 28, 31-33, 35-40 and 42-46 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Claims 26, 28, 31-33, 35-40 and 42-46 have been rejected.

Correspondence Information

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KYU CHAE whose telephone number is (571)270-5696. The examiner can normally be reached on Mon-Fri, 8 a.m. - 5 p.m.; EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH HIRL can be reached on (571)272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. C./
Examiner, Art Unit 2426

/Joseph P. Hirl/
Supervisory Patent Examiner, Art Unit 2426
March 28, 2011